

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOSE URIBE,

Defendant.

SUPERSEDING INFORMATION

S3 23 Cr. 490 (SHS)

COUNT ONE
(Conspiracy to Commit Bribery)

The United States Attorney charges:

1. From at least in or about 2018 through in or about 2023, in the Southern District of New York and elsewhere, JOSE URIBE, the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit an offense against the United States, to wit, bribery of a federal employee, in violation of Title 18, United States Code, Sections 201(b)(1)(A) and (C) and (b)(2)(A) and (C).

2. It was a part and an object of the conspiracy that Robert Menendez ("Menendez"), being a public official, and others known and unknown, directly and indirectly, would and did corruptly demand, seek, receive, accept, and agree to receive and accept something of value personally and for another person and entity, in return for being influenced in the performance of an official act and for being induced to do an act and omit to do an act in violation of his official duty, in violation of Title 18, United States Code, Section 201(b)(2)(A) and (C).

3. It was further a part and an object of the conspiracy that JOSE URIBE, the defendant, and others known and unknown, directly and indirectly, would and did corruptly give, offer, and promise something of value to a public official, and offer and promise a public official

to give something of value to another person and entity, with intent to influence an official act and to induce such public official to do an act and omit to do an act in violation of the lawful duty of such official, in violation of Title 18, United States Code, Section 201(b)(1)(A) and (C).

Overt Acts

4. In furtherance of the conspiracy and to effect its illegal objects, the following overt acts, among others, were committed and caused to be committed in the Southern District of New York and elsewhere:

a. On or about May 3, 2019, JOSE URIBE, the defendant, requested that a business associate of his ("Associate-2"), who was in the Bronx at the time, make a financing payment for a Mercedes-Benz Convertible (the "Mercedes-Benz Convertible") for the benefit of Menendez and Nadine Menendez.

b. On or about May 4, 2019, URIBE caused Associate-2, while Associate-2 was in the Bronx, to make a financing payment for the Mercedes-Benz Convertible for the benefit of Menendez and Nadine Menendez from a corporate bank account that had been opened at a bank branch in the Bronx.

c. On or about September 5, 2019, Nadine Menendez sent URIBE a text message regarding scheduling a meeting between URIBE, Menendez, and Nadine Menendez, which text message was transmitted through a cell tower in Manhattan.

(Title 18, United States Code, Section 371.)

COUNT TWO
(Conspiracy to Commit Honest Services Wire Fraud)

The United States Attorney further charges:

5. From at least in or about 2018 through in or about 2023, in the Southern District of New York and elsewhere, JOSE URIBE, the defendant, and others known and unknown, willfully

and knowingly combined, conspired, confederated, and agreed together and with each other to commit honest services wire fraud, in violation of Title 18, United States Code, Sections 1343 and 1346.

6. It was a part and an object of the conspiracy that JOSE URIBE, the defendant, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and to deprive the public of its intangible right to the honest services of Menendez as a U.S. Senator and the Chairman and Ranking Member of the Senate Foreign Relations Committee (the "SFRC"), would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Sections 1343 and 1346.

(Title 18, United States Code, Section 1349.)

COUNT THREE
(Honest Services Wire Fraud)

The United States Attorney further charges:

7. From at least in or about 2018 through in or about 2023, in the Southern District of New York and elsewhere, JOSE URIBE, the defendant, having devised and intending to devise a scheme and artifice to defraud, and to deprive the public of its intangible right to the honest services of Menendez as a U.S. Senator and the Chairman and Ranking Member of the SFRC, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice to defraud, and attempted to do the same, to wit, URIBE made and caused to be made payments toward the Mercedes-Benz Convertible in exchange for Nadine Menendez and Menendez's agreement and promise to use, and/or the actual use of Menendez's official

authority and influence to attempt to cause, through advice and pressure, the Office of the New Jersey Attorney General to resolve a New Jersey state criminal prosecution of an associate of URIBE (the "New Jersey Defendant") favorably to the New Jersey Defendant and to resolve a New Jersey state criminal investigation involving an employee of URIBE (the "New Jersey Investigative Subject") favorably to the New Jersey Investigative Subject, and URIBE transmitted and caused to be transmitted emails, text messages, telephone calls, electronic transfers of funds, and other electronic communications, to and from the Southern District of New York and elsewhere, in furtherance of that scheme.

(Title 18, United States Code, Sections 1343, 1346, and 2.)

COUNT FOUR
(Conspiracy to Commit Obstruction of Justice)

The United States Attorney further charges:

8. From at least in or about June 2022 through in or about 2023, in the Southern District of New York and elsewhere, JOSE URIBE, the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit an offense against the United States, to wit, obstruction of justice, in violation of Title 18, United States Code, Section 1503(a).

9. It was a part and an object of the conspiracy that JOSE URIBE, the defendant, and others known and unknown, would and did corruptly influence, obstruct, and impede, and endeavor to influence, obstruct, and impede, the due administration of justice, in violation of Title 18, United States Code, Section 1503(a).

Overt Act

10. In furtherance of the conspiracy and to effect its illegal object, the following overt act, among others, was committed and caused to be committed in the Southern District of New York and elsewhere:

a. In or about July 2023, JOSE URIBE, the defendant, caused his then-counsel to make false and misleading statements to the United States Attorney's Office for the Southern District of New York.

(Title 18, United States Code, Section 371.)

COUNT FIVE
(Obstruction of Justice)

The United States Attorney further charges:

11. From at least in or about June 2022 through in or about 2023, in the Southern District of New York and elsewhere, JOSE URIBE, the defendant, corruptly influenced, obstructed, and impeded, and endeavored to influence, obstruct, and impede, the due administration of justice, to wit, URIBE caused his then-counsel to make false and misleading statements to the United States Attorney's Office for the Southern District of New York that the payments URIBE made for the Mercedes-Benz Convertible were loans, in an effort to interfere with the federal investigation of Menendez, Nadine Menendez, URIBE, and others in the Southern District of New York.

(Title 18, United States Code, Sections 1503 and 2.)

COUNT SIX
(Tax Evasion)

The United States Attorney further charges:

12. From at least on or about January 1, 2016 through on or about April 15, 2022, in the Southern District of New York and elsewhere, JOSE URIBE, the defendant, willfully attempted to evade and defeat a substantial part of the taxes due and owing to the United States of America, for the calendar years 2016 through 2021, to wit, URIBE, among other things, established or maintained a network of business entities (the "Nominee Companies") in other individuals' names that URIBE nonetheless controlled; received personal income through the Nominee Companies that Uribe did not report to the Internal Revenue Service ("IRS"); failed to report to the IRS income received by the Nominee Companies; and prepared and caused to be prepared, signed and caused to be signed, and filed and caused to be filed U.S. Individual Income Tax Returns, Forms 1040 with the IRS for each of the calendar years from 2016 through 2021, which did not reflect all of URIBE's personal taxable income.

(Title 26, United States Code, Section 7201 and Title 18, United States Code, Section 2.)

COUNT SEVEN
(Wire Fraud)

The United States Attorney further charges:

13. From at least in or about 2019 through at least in or about 2020, in the District of New Jersey and elsewhere, JOSE URIBE, the defendant, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, which

affected a financial institution, to wit, URIBE provided fake tax returns in connection with a loan application to obtain funds from a bank and caused another individual to use information from those same fake tax returns to obtain funds from the United States Small Business Administration ("SBA") through the SBA's Economic Injury Disaster Loan Program, and sent and received, and caused others to send and receive, one or more emails and other electronic communications in furtherance of that scheme.

(Title 18, United States Code, Sections 1343 and 2.)

FORFEITURE ALLEGATIONS

14. As a result of committing one or more of the offenses alleged in Counts One through Five of this Information, JOSE URIBE, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

15. As a result of committing the offense alleged in Count Seven of this Information, JOSE URIBE, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all property constituting, or derived from, proceeds obtained directly or indirectly, as a result of the commission of said offense, including but not limited to a sum of money equal to \$246,000 in United States currency, representing the amount of proceeds traceable to the commission of said offense.

Substitute Assets Provision

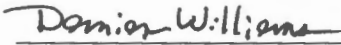
16. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided

without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981 and 982; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)


DAMIAN WILLIAMS
United States Attorney